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D.R. Horton, Inc., DHI Mortgage Company, Ltd.,
Donald Horton, Donald Tomnitz, Michael Mason,
Daniel Callihan, Annie Schankin and James Frasure

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PATRICE A. MISSUD, JULIE D.
MISSUD,

Plaintiff,

vs.

D.R. HORTON, INC.; DHI MORTGAGE
COMPANY, LTD, LP.; DONALD
HORTON; DONALD TOMNITZ;
MICHAEL MASON; DANIEL
CALLIHAN; ANNIE SCHANKIN;
JAMES FRASURE; and DOES 1-200,

Defendants.

Case No. C07-2625 JL

**SECOND SUPPLEMENTAL OBJECTIONS
TO PLAINTIFFS' EVIDENCE IN
OPPOSITION TO MOTION TO DISMISS**

[Fed. R. Civ. Proc. 12(b)(2), (6)]

Date: September 19, 2007
Time: 9:30 a.m.
Judge: Hon. James Larson

Defendants D.R. Horton, Inc., DHI Mortgage Company, Ltd., Donald Horton, Donald Tomnitz, Michael Mason, Daniel Callihan, Annie Schankin and James Frasure ("Defendants") hereby submit the following second supplemental objections to evidence submitted by plaintiffs Patrice A. Missud and Julie D. Missud ("Plaintiffs") in opposition to Defendants' Motion to Dismiss. The following objections relate to the Supplemental Declaration of Patrick Missud in Opposition of Motion to Dismiss which was filed and served on September 6, 2007.

I. OBJECTIONS TO EVIDENCE SUMMITTED BY PLAINTIFFS

PLAINTIFFS' EVIDENCE:	OBJECTIONS TO EVIDENCE:
<p>1. <i>"A true and correct copy of the police incident report describing the explosion which occurred outside Plaintiffs' home on August 3, 2007, and is called exhibit 8 in both the Plaintiffs' opposition memorandum and in Patrick Missud's declaration in opposition of the motion to dismiss."</i> Supplemental Declaration of Patrick Missud in Opposition of Motion to Dismiss, ¶2 and Exhibit thereto entitled "Incident Report."</p>	<p>1. Irrelevant; Lack of Foundation/Personal Knowledge; Hearsay.</p> <p>Federal Rules of Evidence ("Fed. R. Evid.") 401, 402, 602 and 802.</p>

Respectfully submitted.

Dated: September 7, 2007

WENDEL, ROSEN, BLACK & DEAN LLP

By: /s/Gillian M. Ross

Gillian M. Ross
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